

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

TIMOTHY P. THOMASON and
SABRA M. THOMASON,

Plaintiffs,

vs.

GMAC MORTGAGE
CORPORATION,

Defendant.

CASE NO. CV-05- 131COMPLAINT

Come now the Plaintiffs in the above styled cause and say unto the

Court as follows:

1. Plaintiffs are individuals and resident citizens of Russell County, Alabama.
2. Defendant is a Pennsylvania corporation which does business in Alabama. Defendant's principal business is the making, purchasing and servicing of mortgage loans.
3. Plaintiffs are both customers of Defendant.
4. Plaintiffs' have several mortgage loan accounts with the Defendant.
5. In or around February of 2004, Defendant negligently lost or misapplied payments made by Plaintiff, Tim Thomason, to

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CIRCUIT / DIST. COURT
RUSSELL CO., ALA

EXHIBIT

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mortgage loan accounts in his name. However, the payments were timely made and Plaintiff has cancelled checks showing proof of said payments.

6. In or around March of 2004, Defendant began to send late notices to Plaintiff, Tim Thomason, and later began to make collection calls over the phone to his home and office.
7. Defendant has acknowledged that errors have been made and has repeatedly promised to remedy the problem.
8. During the last few weeks, Defendant has negligently misapplied and/or failed to properly enter data resulting in Defendant showing payments owed by Plaintiff, Sabra Thomason, as being late or not being paid at all.
9. Defendant has likewise repeatedly notified the Plaintiff, Sabra Thomason, that her payments are not timely. She has been repeatedly called at home and accused of not making her payments on time.
10. In spite of the Defendant being notified and acknowledging that the Defendant has negligently handled the mortgage accounts of both Plaintiffs and promising to straighten things out, the Defendant continues through its agents and employees to make

rude and insulting collection phone calls to Plaintiffs and to otherwise harass them.

11. Defendant has falsely reported to credit reporting agencies that Plaintiff, Tim Thomason, has been behind more than thirty days on his mortgage payments for at least eight consecutive months. As a result, Plaintiff, Tim Thomason's credit has been damaged and he has been wrongfully denied credit.

COUNT I

12. Plaintiffs re-allege paragraphs 1 through 11 as if fully set out herein.
13. The above constitutes actionable negligence by the Defendant in the handling of Plaintiffs' accounts. As a result of said negligence, Plaintiffs have suffered emotional distress, mental anguish, embarrassment, and their credit has been damaged.

WHEREFORE, the above premises considered, the Plaintiffs demand judgment against the Defendant in an amount not to exceed \$75,000.00 in the aggregate as to all counts of Plaintiffs' Complaint, plus all costs of this action.

COUNT II

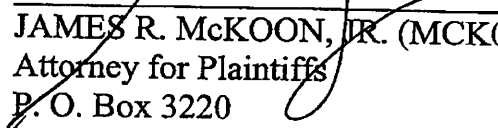
14. Plaintiffs re-allege paragraphs 1 through 13 as if fully set out herein.
15. The above constitutes actionable wantonness by the Defendant in the handling of Plaintiffs' accounts. As a result of said wantonness, Plaintiffs have suffered emotional distress, mental anguish, embarrassment, and their credit has been damaged.

WHEREFORE, the above premises considered, the Plaintiffs demand judgment against the Defendant in an amount not to exceed \$75,000.00 in the aggregate as to all counts of Plaintiffs' Complaint, plus all costs of this action.

COUNT III

16. Plaintiffs re-allege paragraphs 1 through 15 as if fully set out herein.
17. The above constitutes actionable conversion of funds by the Defendant in the handling of Plaintiffs' accounts. As a result of said conversion of funds, Plaintiffs have suffered emotional distress, mental anguish, embarrassment, and their credit has been damaged.

WHEREFORE, the above premises considered, the Plaintiffs demand judgment against the Defendant in an amount not to exceed \$75,000.00 in the aggregate as to all counts of Plaintiffs' Complaint, plus all costs of this action.


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PLEASE SERVE DEFENDANT BY CERTIFIED MAIL AT:

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